



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

MAY 12 2016

Mr. Ronald Pozza
HSE Specialist
Solvay USA
3440 Fairfield Road
Baltimore, MD 21226

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Solvay USA

Information Request - Reference No. C16-017
EPA ID No. MDD003063476

Dear Mr. Pozza:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information to supplement the information obtained during its inspection of the Solvay USA facility ("Solvay" or "the Facility") located in Baltimore, MD on January 8, 2015. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, or 40 C.F.R. Parts 260-266 and 268 shall have the meanings set forth therein.

Requested Information

1. During the January 8, 2015 EPA inspection, the EPA inspector observed the triquat monomer production process that generates methanol. The methanol is recovered as a gas, which is then condensed, and accumulated in a designated tank system "tank 329," aka "tank 29." Please refer to Photo #11 - #19 of the Compliance Evaluation Inspection ("CEI") report included as Attachment A. Please provide the following information regarding the methanol generated from the triquat monomer production process:
 - a. A detailed description of the process or processes that generates the methanol.
 - b. A detailed schematic of the methanol handling systems, including sources, equipment, piping, transfer mechanisms, and all tanks and containers involved in temporary or final collection/management.
 - c. A detailed description of all equipment included in the methanol handling system, including all pumps, compressors, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, flanges or other connectors, closed-vent systems and control devices, as these terms may be defined in 40 C.F.R. § 264.1031.
 - d. State whether or not the Facility has conducted an analysis to determine

applicability of the Subpart BB regulations to this equipment, as described in 40 C.F.R. § 265.1063(d) and § 265.13(b).

- e. If an applicability determination, as described in 40 C.F.R. § 265.1063(d) and § 265.13(b), had been made for this equipment, state when such a determination(s) was made and the results of such determination(s). Please provide a copy of any and all documentation used to support such a determination.
- f. A detailed list of any and all types and amounts of wastes entering the methanol handling systems up to the present time, and the percent organic concentration by weight of each waste. Please include all EPA Hazardous Waste Code(s) (if applicable) and copies of all waste profiles and Safety Data Sheets ("SDSs") relating to methanol used.
- g. Please state, for all the methanol generated at the Facility up to the present time, whether or not any was reclaimed, recycled or reused after such generation. Provide a copy of any and all documentation substantiating such claims of reclamation, recycling, or reuse.
- h. Provide information/documentation that demonstrates whether or not those pieces of equipment listed in response to Question 1.c. above are or are not exempt from the air emission standards for equipment leaks as specified in 40 C.F.R. § 265.1050.
- i. If the Facility has determined that any piece of equipment is exempt, please provide the waste analysis plan, as specified in 40 C.F.R. § 265.1063(d), along with either the sample results or process knowledge documentation upon which the exemption is based.
- j. State whether or not each piece of equipment has been marked in such a manner that it can be distinguished readily from other pieces of equipment in accordance with 40 C.F.R. § 265.1050(c), regardless of whether the Facility is claiming an exemption for any piece of such equipment.
- k. Please state whether or not any or all of the equipment is "*in light liquid service*" or "*in heavy liquid service*," as defined in 40 C.F.R. § 264.1031. If so, please specify which pieces of equipment are in light liquid service or in heavy liquid service.
- l. Please state whether or not each piece of equipment has been inspected and monitored under a leak detection and repair (LDAR) program for the time period of June 1, 2011 up to receipt of this letter.

- m. Please identify each piece of equipment which has been inspected and monitored under an LDAR program, and provide the time period for which each such piece of equipment has been part of an LDAR program.
 - n. Please submit the Facility's inspection and monitoring schedule for each piece of equipment covered by an LDAR program detailing how often each piece of equipment is visually inspected and/or monitored with an instrument.
 - o. Please submit any and all LDAR program inspection and monitoring records/documentation for each piece of equipment for the time period of June 1, 2011 up to receipt of this letter.
 - p. Has the Facility maintained those records required under 40 C.F.R. §§ 265.1064(b)(1), 265.1064(g) and 265.1064(h)? If so, please state the date on which the Facility began maintaining such records and submit copies of any and all records required under 40 C.F.R. §§ 265.1064(b)(1), 265.1064(g) and 265.1064(h) from the January, 2015 EPA inspection up to the present.
2. According to Facility representatives, methanol generated from the triquat monomer production process is captured, condensed, and can be reused prior to being sent offsite for disposal as hazardous waste. Please provide the following information regarding the methanol generated from the triquat monomer production process:
- a. State how long it takes to transfer the methanol from the triquat monomer reaction kettle to Tank 29 per transfer. If an exact amount of time cannot be determined, please estimate on average, how long it takes per transfer and explain the basis for such estimate.
 - b. Indicate how many times methanol can be reused prior to being collected into Tank 29 and discarded as hazardous waste. If the exact number of times cannot be determined, please estimate on average, how many times, and explain the basis for such estimate.
 - c. Indicate how much time lapses between each time methanol is sent offsite as hazardous waste from Tank 29, and when methanol is subsequently accumulated into Tank 29. If the exact amount cannot be determined, please estimate on average, how much time, and explain the basis for such estimate.
 - d. Indicate how much (in gallons) methanol is captured and generated into Tank 29 prior to offsite shipment as hazardous waste. If the exact amount cannot be determined, please estimate, and explain the basis for such estimate.
 - e. State, as precisely as possible, how much spent methanol hazardous waste has been generated by the Facility from the triquat monomer production process in

each calendar month for the time period of June 1, 2011 up to the present and provide the basis of your knowledge. If you cannot state the amounts on a monthly basis, please state how much waste methanol has been generated during the smallest intervals for which you are capable of providing such information.

- f. Indicate how much (in gallons) spent methanol hazardous waste generated from the triquat monomer production process is sent offsite per year from calendar year 2012 to calendar year 2015. If an exact amount of time cannot be determined, please estimate, and explain the basis for such estimate.
- g. For any spent methanol hazardous waste generated from the triquat monomer production process that was sent offsite under hazardous waste manifests, please provide a copy of each such manifest from the time period of June 1, 2011 to the present. Provide a list of each manifest number that represents an offsite shipment of spent hazardous waste methanol, and state how much spent methanol was sent offsite per each listed shipment.
- h. Indicate by stating "yes" or "no" to the following question: Does the Facility sample the methanol to determine if it can or cannot be reused in a production process?
 - a. If the answer to Question 2.h. is "yes", describe in detail where such samples are taken, indicate how many samples are taken per year, and provide copies of such sampling results from June 1, 2011 to the present.
 - b. If the answer to Question 2.h. is "no", provide a detailed description of how the Facility determines when the methanol can no longer be reused in the triquat monomer production process, and provide any records, if possible, that are kept by the Facility to document such determinations from June 1, 2011 to the present.
- i. If the monomer production process that generates methanol into Tank 29 is a batch process, please provide the following information:
 - a. State, as precisely as possible, how many batches the Facility completed per month from June 1, 2011 to the present, and provide the basis of your knowledge. If you cannot state the amount on a monthly basis, please state the number of batches during the smallest intervals for which you are capable of providing such information.
 - b. Estimate how much methanol is used per batch. If an exact amount of time cannot be determined, please estimate, and explain the basis for such estimate.

- c. State the number of times the methanol can be reused per batch prior to being disposed of as hazardous waste. If you cannot state the exact number of times, please estimate on average, how many times it can be reused per batch, and explain the basis for such an estimate.
3. Based on information gathered during the EPA inspection, the EPA inspector noted that methanol generated from the triquat monomer production process is accumulated in a 1,000 gallon tank or Tank 29. Please provide the following information regarding the methanol accumulated in Tank 29:
- a. Identify by name and EPA Hazardous Waste Code(s) (if applicable) all solvent-related wastes (including the methanol) that may be stored in Tank 29.
- b. State the capacity (m^3) of Tank 29.
- c. State whether a "waste determination" for the volatile organic concentration of each solvent waste stream (including the methanol) at its point of waste origination has been made in accordance with 40 C.F.R. § 265.1084.
- d. If a determination for the volatile organic concentration has been made in accordance with 40 C.F.R. § 265.1084 at its point of waste origination, please state when each such determination was made and whether the organic concentration determination was based on analytical results or on the generator's knowledge of the waste or the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If any such determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.
- e. Please state the volatile organic concentration for each solvent waste stream (including the methanol) at its point of waste origination.
- f. At the time of the inspection, had the facility implemented emission controls in accordance with 40 C.F.R. § 265.1083 for Tank 29? If so please describe in detail what controls have been implemented for Tank 29, and the date the control(s) was implemented. If the facility had not implemented controls for Tank 29, please state why.
- g. Has the Facility maintained those records required under 40 C.F.R. § 265.1090 for Tank 29? If so, please state the date on which the Facility began maintaining such records and submit copies of any and all records required under 40 C.F.R. § 265.1090 for the time period of June 1, 2011 up to receipt of this letter.
- j. State how long methanol is accumulated in Tank 29 prior to offsite shipment as

hazardous waste. If an exact amount of time cannot be determined, please estimate on average, how long hazardous waste methanol is accumulated in Tank 29, and explain the basis for such estimate.

4. Provide a copy of any Facility operating air emissions control Clean Air Act permits in accordance with the requirements under 40 CFR part 60, part 61, or part 63.

A copy of the January 8, 2015 inspection report documenting the findings of the inspector is enclosed as Attachment A for your information, and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed as Attachment B, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Your response must include the following signed and dated certification:

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature: _____
Name: _____
Title: _____

Please send your response to:

Andrew Ma
US EPA Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755-5350

If you have any questions concerning this matter, please contact Mr. Andrew Ma at (410) 305-3429.

Sincerely,



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Enclosures

cc: A. Ma (3LC70) w/o